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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 05 2003

In Re the Application of:)
Christopher John Marshall)
Serial No.: 09/932,671)
Filed: August 17, 2001)
Atty. File No.: 2001-01)
For: "AUTOMOBILE SEAT PROTECTOR"

Group Art Unit: 3636

Examiner: Sarah C. Burnham

GROUP 3600

STATEMENT OF SUBSTANCE
OF INTERVIEW
37 CFR § 1.133(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE, ADDRESSED TO
COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON,
DC, 20231, IS BEING TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE BY FACSIMILE IN ACCORDANCE WITH 37
C.F.R. § 1.6(d) ON MARCH 4, 2003.

BY: 

MARK SNYDER

Dear Sir:

The following Statement of Substance of Interview is provided
to make the substance of the telephonic interview on February 4,
2003 with Examiners Sarah C. Burnham and Peter Cuomo of record in
the above-identified application file.

STATEMENT

The undersigned attorney for Applicant requested and
participated in a telephonic interview with Examiners Sarah C.
Burnham and Peter Cuomo on February 4, 2003. Prior to the
interview, Applicant's attorney provided a facsimile copy of a
Draft Amendment and Response to the named Examiners. This Draft
Amendment and Response was, in all substantive respects identical
with the formal Amendment and Response filed in this case by
facsimile transmission with the U.S. Patent and Trademark Office on

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February 6, 2003, and which is now made of record in the present case.

Applicant's attorney discussed the proposed amendments to claims 1, 11 and 17 with the Examiners. Examiner Burnham indicated that the proposed claim amendments appeared to resolve most of the outstanding rejections of the claims under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention.

Applicant's attorney also discussed the application of U.S. Patent No. 5,549,353, issued to Gaudet et al. to the limitations of Claims 1, and 11. Specifically, the lack of a "containment area" in Gaudet et al. as such is recited in the claims was discussed. Gaudet et al. shows and describes a hole in the mat surface that would allow fluid in the lip portion to spill onto the automobile seat below the child restraint seat. Suggestions presented to clarify this distinction included more specifically defining the containment area as lying in the horizontal surface of the mat, identifying that the flange extends around the periphery in its entirety, and showing that the flanges that maintain the integrity of the seat belt pass-throughs are integral to maintaining the containment area were discussed.

No agreement with respect to the claims was reached between the undersigned attorney for Applicant and the Examiners. Examiner Cuomo stated that upon receipt of an official amendment, all of the prior art would be taken into consideration with respect to the

amendments and arguments presented by the Applicant.

Applicant's attorney also discussed the combination of Gaudet et al. with U.S. Patent No. 5,120,108, issued to Watson, with specific reference to Claim 17. Applicant's attorney noted teachings distinguishing prior art Canadian Patent No. 1,294,206 in column 1, lines 34-45, of Gaudet et al. that teach away from extension of the mat to include "a horizontal portion that conforms to a foot well surface" as suggested by the Examiner. Attorney for Applicant suggested that to combine Gaudet et al. with Watson et al. would be improper in light of the teaching away in Gaudet et al. of the combination suggested by the Examiner.

No agreement with respect to the claims was reached between the undersigned attorney for Applicant and the Examiners. Examiner Cuomo stated that the identified teachings of Gaudet et al. would be considered as one factor in assessing the knowledge of a person of ordinary skill in the art. Examiner Cuomo also stated that upon receipt of an official amendment, all of the prior art would be taken into consideration with respect to the amendments and arguments presented by the Applicant.

It is believed that the foregoing Statement is a complete and proper recordation of the substance of the telephonic interview on February 4, 2003.

It is further believed that no fees are due for filing this Statement of Substance of Interview.

In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned attorney at (760) 458-1863.

Respectfully Submitted,

By: 

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Date: 4 MARCH 2003

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Mark Snyder

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To: Sarah C. Burnham, Examiner, USPTO **From:** Mark Snyder, Esq.

Group Art Unit 3636

GROUP 3600

Fax: (703) 872-9326

Pages: -- 5 --

Phone: (703) 308-7315

Date: March 4, 2003

Re: U.S. Patent Application No. 09/932,671, Filed August 17, 2001, for
"AUTOMOBILE SEAT PROTECTOR"; Attorney File No. 2001-01

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• Comments:

Attached to this Facsimile Coversheet are the following documents:

1) STATEMENT OF SUBSTANCE OF INTERVIEW - (4 pages)

Please deliver this correspondence promptly to the above-identified person.